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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-second session

SUMMARY RECORD OF THE 1254th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 6 March 1998, at 3 p.m.

Chairman: Mr. ABOUL-NASR

later: Mr. DIACONU

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GE.98-15487 (E)

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Initial and second periodic reports of the Czech Republic (CERD/C/289/Add.1; HRI/CORE/1/Add.71)

1. At the invitation of the Chairman, Mr. Somol, Mr. Sovák, Ms. Gjuričová, Ms. Horáková, Mr. Cink, Mr. Fuchs, Mr. Pospíšil, Mr. Bureš and Mr. Krpač (Czech Republic) took places at the Committee table.

2. Mr. SOMOL (Czech Republic) recalled that the Convention had entered into force for the Czech and Slovak Federal Republic in 1969, and that in 1993 the Czech Republic had succeeded to all international human rights conventions to which Czechoslovakia had been a State Party, including the International Convention on the Elimination of All Forms of Racial Discrimination. Since the then Czechoslovak delegation had presented the tenth periodic report to the Committee less than eight years earlier, his country had witnessed the collapse of the Communist regime and the division of the Czech and Slovak Federal Republic, which had had an enormous impact on the lives of all citizens in the Czech Republic, including groups of the population that differed from the majority in terms of race, nationality, language, life style and other aspects.

3. There were two groups of national minorities living in the territory of the Czech Republic. On the one hand, there were national minorities in the traditional sense of the term, entailing such typical problems as protection of their language, its teaching in school, its use in the printed media, etc. Most of the everyday difficulties facing persons belonging to the Polish, Slovak, German or Hungarian national minorities did not differ basically from those encountered by the majority Czech population and were being resolved satisfactorily. On the other hand, the problems of the Roma minority were of a very different nature. Roma were often the targets of racially motivated attacks. Their level of education and vocational skills was comparatively low and their unemployment rate high. They were subjected to de facto discrimination, either openly or covertly, in many aspects of everyday life owing to deep-seated prejudices in part of the population. Since the fall of the Communist regime, it seemed that the gap between the majority population and the other minorities from the Roma population had, if anything, been widening.

4. The root cause of the problems of coexistence between the majority society and the Roma community was the latter's failure to adjust adequately to the norms and values regarded as natural by the rest of the population. The changes which had taken place in the country, especially the introduction of a free-market economy, had put a much higher premium on education and vocational skills - two conditions for successful social integration which the Roma lacked most.

5. His Government had endeavoured to prevent a repetition of the mistakes of the former regime. Accordingly, it had sought to avoid a paternalistic approach or forced assimilation of the Roma ethnic group and had worked

instead to involve the Roma as equals in society, stepping up its efforts since 1993, when the Roma community had begun to face growing difficulties. He would refer to a number of major recent steps which did not appear in the report.

6. As far as the domestic legal framework was concerned, it was fair to say that the protection of members of minority groups in the Czech Republic met high European standards. The Charter of Fundamental Rights and Freedoms, which formed part of the constitutional order in the Czech Republic, stated in article 3 that everyone had the right freely to choose his or her nationality. Czech law did not explicitly list which nationalities lived on its territory, but left it to members of a minority to declare themselves as such. That meant that members of the Roma community also formed a national minority and consequently enjoyed the same rights as other national minorities.

7. Pursuant to article 10 of the Czech Constitution, all international human rights treaties ratified and promulgated by the Czech Republic were automatically incorporated into the domestic legal system and were directly applicable in the courts. If a provision of Czech legislation was in conflict with the Convention, the latter took precedence.

8. On 18 December 1997, the Czech Republic had ratified the Council of Europe's Framework Convention for the Protection of National Minorities, the first legally binding international instrument to safeguard minority rights.

9. The Czech Criminal Code not only made apartheid and genocide criminal offences, but also contained provisions specifically dealing with other racially motivated offences, such as violence against a group of inhabitants, defamation of a race, incitement to national or racial hatred and sponsoring and promoting movements aimed at suppressing civil rights and freedoms. Since 1995, subsections had been introduced into a number of provisions on homicide, bodily harm and extortion making racial motivation for such acts an aggravating circumstance.

10. To combat the rise of racial violence, his Government had decided to increase the penalties for racially motivated crimes and take paralegal and administrative measures. Public prosecutors and investigators had received strict instructions to ensure prompt judicial action in cases of racially motivated offences. An expert on combating racial violence had been deployed in every district police department.

11. The seriousness of the situation of the Roma community had long been underestimated not only by the public but also by some state officials. Public awareness campaigns had in the past been ineffective. The situation had changed radically in summer and autumn 1997, when several hundred Roma had sought asylum in Canada and subsequently in the United Kingdom. Soon thereafter, there had been several violent attacks by skinheads against Roma and dark-skinned foreigners, and a Sudanese student had been killed on the street in Prague. Those events had awakened Czech public opinion. Large demonstrations against racism had been held in dozens of Czech cities and towns, and the authorities had stepped up their efforts to address the problems of the Roma community.

12. In December 1997, the Ministry of the Interior had instructed every town and district authority to create a post of "Roma Assistant and Adviser" to monitor the situation of the Roma minority at the grass roots, mediate between the municipalities and the Roma community and defend Roma interests. A number of job-promotion measures for Roma had been introduced by the Ministry of Labour and Social Affairs, and the Ministry of Trade and Industry had started a special programme of financial subsidies for employers who hired Roma.

13. In order to raise educational standards among the Roma so that they would have better employment opportunities and take more interest in the social, political and cultural life of the country, his Government had widened the network of pre-school classes to help Roma children overcome their language and socio-cultural handicap and ensure that they were not automatically placed in special schools, and it was training Roma assistants to help bridge the gap between teachers and pupils and also to encourage Roma parents to overcome their mistrust of the school system.

14. At the end of 1997, his Government had created an inter-ministerial Commission for Roma Community Affairs to involve Roma in decision making. The Commission was a consultative coordinating body that played a major role in dealing with questions concerning the status of the Roma in Czech society. It was chaired by a minister without portfolio, and its executive deputy chairperson was a representative of the Roma community, Ms. Horáková, who was also a member of the Czech delegation currently before the Committee. The Commission was composed of deputy ministers of departments dealing with Roma problems and six representatives of the Roma community. Its work had focused recently on violent attacks against Roma and the recruitment of Roma police officers, which was seen as the most effective way of improving relations between the police and the Roma community. The Commission had also taken up the issue of Roma seeking asylum in Canada and the United Kingdom.

15. The adoption by his Government in October 1997 of a report on the situation of the Roma community had been of vital importance in assessing recent developments in the area and would serve as the foundation for future policies to promote the full integration of the Roma in Czech society. His Government had set a number of goals on the basis of the report and had instructed the Chairman of the Government Council for Nationalities to submit a progress report in June 1998.

16. The Czech Republic was aware that similar problems between the majority population and Roma minority were encountered in all the countries of central and eastern Europe. It would do its utmost to implement legislation in that area. But there were no easy solutions, and it was only by means of a comprehensive, long-term strategy that the problem could be overcome.

17. Mr. DIACONU (Country Rapporteur) said that he was impressed by the frank tone of the presentation by the head of the Czech delegation. By way of preliminary comment, it was worth noting that the Czech Republic was a more homogeneous country than its neighbours in eastern Europe and, in the current period of transition, was better equipped to resolve the problems posed by the need to protect human rights and fundamental freedoms.

18. Turning to the report, he noted that the demographic figures in paragraphs 15 to 17 showing the relative proportion of the various minorities in the population were virtually the sole data provided; the Committee had expected more detailed statistics, in particular on the enjoyment of political, economic, social and cultural rights by persons belonging to those minorities.

19. Paragraph 15 spoke of the Moravians; given the large size of that minority (13.2 per cent of the population), he wondered why there had been no other reference to it in the report; he would also like to know how it differed from the Czech majority.

20. The report showed that the Czech Republic had been prompt to introduce a set of laws and institutions enabling it to tackle all questions concerning implementation of the Convention. Examples were article 10 of the 1993 Constitution, providing for direct applicability and precedence over domestic law of human rights conventions and the power of the Constitutional Court to order the repeal of laws inconsistent with such conventions, and the provisions of article 3 of the 1993 Charter of Fundamental Rights and Freedoms (paragraph 9) which covered those of article 1 of the Convention, and its article 36 entitling anyone to apply for a review of the legality of a decision and to compensation for damage caused by an unlawful decision of a State body (paragraph 11).

21. It was undeniable that the Czech Republic was determined to eliminate all forms of racial discrimination. However, its legislation was at times so generous that he wondered how it could be implemented in practice. For example, according to paragraph 18 of the report, article 6 of the Constitution stated that "minorities shall be protected by the majority in decision making". How was effect given to such a provision? Had there been any individual cases? Likewise, article 25 of the Charter stipulated that citizens constituting national and ethnic minorities were guaranteed the right to be educated in their language, use their language in official contacts and participate in the settlement of matters concerning national and ethnic minorities (paragraph 20), but the report said little about how those provisions were implemented. As to education in the mother tongue, the number of schools indicated in paragraph 133 - 30 in Polish and 1 in Slovak - seemed so small compared to the relative size of those minority populations that it appeared that either legislation on education was restrictive or there was little demand for classes in those languages. Could the Czech delegation comment? The report contained no information on how other languages were used in official contacts (with the help of court interpreters, translation of documents and replies in the mother tongue, through the intermediary of officials speaking those languages, etc.).

22. With reference to article 3 of the Convention, he observed that the example given in paragraph 24 of the report referred only to time of war, whereas the Convention's requirement applied to peacetime as well. The provisions of that article were particularly important in preventing racist or xenophobic acts.

23. With regard to the implementation of article 4, paragraphs 27 to 31 of the report referred to legislation expressly prohibiting acts of violence,

threats and incitement to national and racial hatred and discrimination and making them an offence. However, sections 198 and 198a of the Criminal Code spoke of race or nation, and not nationality, in defining the offences of defamation and incitement to hatred. The concept of nation did not normally cover the idea of "descent or national or ethnic origin" (article 1 of the Convention). Could the Czech delegation cite any cases in which those provisions of the Criminal Code had been applied and describe how they had been interpreted?

24. The scope of sections 260 and 261 concerning persons who promoted or publicly expressed sympathy for a movement manifestly aimed at suppressing the rights and freedoms of citizens or advocating national or social hatred was extremely wide and should be applicable to such categories as skinheads, laying the basis for their arrest and punishment.

25. Law No. 83/1990 mentioned in paragraph 49 seemed to provide adequate scope for the prohibition of associations or organizations which incited to acts of racial discrimination or violence.

26. While the report mentioned a number of provisions guaranteeing equality of rights and prohibiting discrimination, little reference was made to the specific fields covered by article 5 of the Convention and no figures were given regarding their practical implementation. To what extent were minorities represented in Parliament, in local representative bodies and in the civil service? What statistics were available on the employment and health situation of minorities and on their access to social security? It had been reported that unemployment in the Roma population was as high as 70 per cent and even 90 per cent in some areas.

27. The existence of only 30 elementary and secondary schools in Polish and only one in Slovak seemed inadequate in relation to the size of the Polish and Slovak minorities. Was teacher training provided in those two languages? According to paragraph 137, five teacher training colleges taught students only "the rudiments" of the Roma language and culture. To promote the social integration of members of the Roma population, greater importance should be given to education in their mother tongue.

28. No information was provided on practical decisions taken to implement the legislation described in paragraphs 147 to 158 concerning article 6 of the Convention, for example with regard to reparations in civil proceedings.

29. The information on minority cultural activities referred chiefly to individual initiatives. The authorities seemed to offer little support for such activities, save in the case of the Roma minority. Slovak organizations were reported as being disadvantaged as compared with other minorities in terms of access to premises and funds. Had they applied to the authorities for support? Were there any minority-language publishing houses or libraries? He welcomed the establishment in 1994 of a Council for Nationalities with a wide-ranging mandate and was encouraged by the large number of organizations of persons belonging to national minorities.

30. With regard to use of the mother tongue, paragraphs 200 and 201 again reflected the discrepancy between extremely generous legal provisions and the

actual situation. As the legislation did not specify an official language, the status of minority languages could in principle be viewed as equal to that of the Czech language in administrative and judicial procedures. Under those circumstances, why should problems arise when the Polish minority in certain areas wished to use its own language or bilingual topographical signs?

31. Clearly, acts of racially motivated violence, perpetrated chiefly by skinheads against Roma or dark-skinned communities or individuals, were the main obstacle to implementation of the Convention in the Czech Republic. The number of such acts had reportedly increased sixfold in 1996 compared with 1994. Unregistered ultranationalist movements such as the "Bohemia Hammerskins" and Czech branches of such international groups as "International Blood and Honour Skins" or "White Aryan Resistance" were allegedly operating in the country. There had been reports of desecration of Jewish cemeteries and synagogues, publication of overtly anti-Roma or anti-German material in a political party organ, and dissemination of underground material advocating Fascism, racism and anti-Semitism. According to the Ministry of the Interior, 7,000 persons publicly admitted to active membership of ultranationalist organizations. Perpetrators of violent acts against members of the Roma minority, occasionally resulting in loss of life, had allegedly been let off with light sentences. In some cases, the courts had failed to admit racist motivation as a factor, proceedings had been unduly long and interpretations had been entirely inconsistent with the Convention. It was reported that in October 1995, two youths had threatened four train passengers of Roma origin and forced them off the train. The district court which had convicted the offenders had not included racial motivation as an incriminating factor, claiming that both the offenders and victims were of Indo-European origin. The Supreme Court had quashed the decision but without giving a correct interpretation of the racial dimension of the crime.

32. The case of Tibor Danihel, a young man killed in 1993 during a skinhead attack on members of the Roma community, had been scheduled for review by the Supreme Court on 26 February 1998. Had a final judgement been delivered?

33. There had been reports of police involvement in acts of violence in police stations or public places. Complaints were allegedly ignored or rejected.

34. Members of the Roma minority had reportedly been denied access to public places, restaurants, means of transport and parks. A disproportionate number of Roma students were allegedly placed in special schools for the handicapped. There had also been discrimination in housing, not only by landlords but also by local public bodies which sought to have Roma families evicted. What action did the authorities propose to take to protect the Roma minority and to ensure the vigorous and speedy prosecution and punishment of offenders?

35. Acts of violence had also been perpetrated against Vietnamese students and workers. A Japanese researcher had been attacked because his assailant "had taken him for a Vietnamese". The court had not included racist motivation in its findings.

36. Many non-governmental organizations (NGOs) viewed Act No. 40 of 1993 concerning the acquisition and loss of Czech nationality as discriminatory

since the three conditions for obtaining citizenship were obviously directed against the Roma minority. According to Council of Europe experts, while the three conditions were consistent with European standards in ordinary cases of naturalization, in cases of successor States the criterion of no conviction for the previous five years was discriminatory vis-à-vis former citizens of Czechoslovakia of Slovak origin inasmuch as it was inconsistent with the criterion of proportionality. Although he gathered that the Act had been amended in the meantime and that a different approach was being adopted to its implementation, he felt it should be stressed that denial of citizenship deprived the persons concerned of many of their rights and laid them open to expulsion. In that connection, he quoted draft articles 3, 13.1 and 14 on nationality of natural persons in relation to the succession of States provisionally adopted by the International Law Commission in 1997 (A/52/10). Were there still persons living in the Czech Republic who had not requested or had not obtained citizenship owing to the provisions of Act No. 40 of 1993? What was being done to assist those persons in filing a request for citizenship and thereby clarifying their situation? How many persons were in that situation and what was their legal status?

37. The report contained no information about foreigners living in the Czech Republic although acts of racial discrimination and violence against such individuals had occurred.

38. He stressed the need for ongoing in-depth education and training of judges, police officers, all other persons dealing with matters related to human rights and the population as a whole in the spirit and letter of the Convention.

39. He welcomed the report published by the Government of the Czech Republic in October 1997 on the Situation of the Romani Community in the Czech Republic and on Government Measures Assisting its Integration in Society. The Committee looked forward to hearing about the results of those measures in the next periodic report.

40. Mr. VALENCIA RODRIGUEZ commended the coverage of racial discrimination in Czech legislation, especially in the Constitution and the Charter of Fundamental Rights and Freedoms, and the judicial remedies available to victims of violations of the rights protected by the Convention. Moreover, article 10 of the Constitution gave precedence to international human rights treaties over domestic legislation. He wished to hear of any cases in which the provisions of an international treaty had been invoked before the courts.

41. The Czech Republic was a multi-ethnic, multicultural and multilinguistic society and he noted with satisfaction the statement in paragraph 21 that minority rights were protected by law. He asked whether foreigners resident in the country enjoyed the same protection. He was puzzled by the statement in the same paragraph that enforcement of collective rights on a group basis would conflict with the citizenship principle and asked the delegation for clarification.

42. The provisions of sections 196, 198 and 198a and sections 260 and 261 of the Criminal Code were not fully consistent with the terms of article 4 (a)

and 4 (b) of the Convention. Although domestic legislation need not be a carbon copy of the Convention, it should at least take into account the fundamental purposes of the corresponding article.

43. Article 26 of the Charter concerning the right to work stipulated that different rules could be established by law for foreign citizens. While such distinctions were understandable, he wished to have further information about the criteria applied, particularly in the light of paragraph 106, which stated that the overriding principle in the laws regulating professions and activities was the prohibition of discrimination.

44. Protection of the Roma population was one of the most serious tasks facing the country. He noted that, while the language handicap of Roma children was a barrier to education, the Roma minority had never requested education in its own language. He commended the action being taken by the authorities to encourage Roma education and urged the State Party to keep the Committee informed of developments in that area.

45. Given that Moravians were the largest national minority, he was surprised at the lack of any reference to Moravian culture under the section entitled "Cultural activities of the minorities".

46. Mrs. SADIQ ALI asked for clarification of the statement in article 3 of the Charter of Fundamental Rights and Freedoms that everybody had the right to free choice of his or her nationality. Did nationality in that context mean ethnic, cultural or linguistic allegiance? She also asked the delegation to comment on the stipulation prohibiting any form of influencing that choice and any form of pressure aimed at suppressing one's national identity.

47. The Czech Republic had ratified the European Framework Convention for the Protection of National Minorities in 1997. Which minorities would enjoy protection under the Convention.

48. Had measures falling under article 1, paragraph 4 of the Convention been used on behalf of any vulnerable groups in the Czech Republic?

49. Was it true that no legal provision provided for prosecution of a person who, in the public or private sphere, refused to give employment to a member of the Roma minority even if that person openly admitted that the applicant's ethnic origin was the ground for refusal?

50. Anti-discrimination provisions were missing from the laws governing health care, housing, army service and imprisonment. Moreover, prejudice conducive to racial discrimination in the areas of education, culture and information was not liable to punishment. Cooperation with voluntary associations operating in those areas was weak since there was no public body responsible for compliance with the Convention. She would welcome more information about compliance with article 7 of the Convention.

51. Section 198a of the Criminal Code prescribed punishments for persons who publicly incited to hatred for any nation or race or to limitation of the rights and freedoms of persons belonging to such a nation or race. What was the legal position with regard to the effective restriction of rights or

freedoms or non-public incitement in such cases? In practice, the perpetrators of such crimes were in most cases skinheads or their supporters and the victims were usually Roma, Jews and persons of dark skin. She trusted that the action being taken by the authorities to remedy the situation would be speedy and effective.

52. It was reported that Alexej Pludek, of the Democrat Party, had proposed calculating the amount of children's allowances on the basis of the mothers' education, with university graduates receiving seven times more than women without any education. Most young female Roma, however, had no basic education. He had also declared he wished to "protect society" from what he called the "inadaptable", mentioning the Roma. Such proposals might be considered to be laying the foundations for the crime of genocide.

53. The deepening segregation of the Roma in special schools might be considered a tendency towards apartheid. The Czech Republic did not punish public use of Nazi symbols which skinheads wore on their clothing and bodies; nor did it punish graffiti in public places. The Government should adopt measures to punish such behaviour, as well as the publishers of Fascist magazines. It was the police who first came into contact with situations of crime and were involved in seeking evidence. That many of them reportedly sympathized with skinheads made it less likely that cases of acts committed by skinheads would be turned over to the appropriate authorities and was detrimental to investigations of such acts.

54. The Czech Civil Code did not outlaw racial discrimination in housing, but the situation required such a provision. Cases in which apartment owners tried to get rid of Roma tenants were all too frequent, and could not be tackled by the common tools of the civil court. Would the Government comment on that? The biggest problem faced by social workers was the cultural barrier. Social workers, for the most part white women, had ideas about the best interests of children that were not shared by Roma families, which suffered discrimination on that account. It was reported that their children were frequently taken away from them without any clearly formulated legal reasons and placed in institutional care. Was that correct?

55. The employment situation of the Roma was alarming, with an estimated unemployment rate of 70 or even 80 per cent. The main reason for their failure in the labour market was their poor level of education and skills. Their ability to survive on unemployment benefits was, however, greater than for the rest of the population, as they were used to living in poverty and their living standards were dramatically below average; they were over-represented among those receiving such benefits, which were their main or even sole source of income. Another cause of their high unemployment rate was discrimination by employers. Was it true that some labour offices put anti-Roma clauses into their lists of job qualifications? Discrimination had worsened in 1997 because employers justified the rejection of Roma on the basis of their inadaptability and allegedly bad experience with Roma in the past.

56. Discrimination against the Roma in public places and in the provision of public services had increased in the previous year, without any State intervention and had become commonplace.

57. The number of pre-school classes for Roma children had increased to 66 in 1997-1998, of which 45 were in special schools for mentally or otherwise handicapped children. There were some 658 children in those classes, but about 7,000 Roma children were born each year, meaning that only 10 per cent attended pre-school. Article 3 of the Convention prohibited segregation, which was nonetheless to some extent evident in the schools because of the discrimination against Roma children, although that was not the intent of the measures taken. Some 20 per cent of all Roma children attended the special schools, as opposed to 3 per cent of children from the majority population. A Czech UNICEF Committee report had found that about 42 per cent of all Roma children attended only the special schools, with 58 per cent attending the basic schools, and that about half of all children in the special schools were Roma. Ignorance of the actual statistics was due in part to the reluctance of school employees to ask about a child's racial or ethnic origin. There was also a language handicap. The majority of Roma children did not speak Czech. There were families with no pencils to give their children. Teachers from the basic schools often found it easier to transfer the children to the special schools. There they could be enrolled only in certain vocational training courses, but after graduation they did not receive a standard vocational certificate.

58. In short, conditions were bad for the Roma people. She was glad to hear of improvements, but wished to receive more information on action taken to improve the condition of Roma children.

59. Mr. de GOUTTES asked whether the Government also consulted NGOs, especially Roma associations, in the preparation of the report. It contained a good deal of information on article 5 of the Convention, but was general in nature and mostly concerned the implementation of other United Nations conventions; it was not sufficiently focused on racial discrimination or the situation of minorities.

60. Regarding the penalization of racist acts, there were no provisions in the Criminal Code punishing the refusal to provide goods or services on racial or ethnic grounds, except as indicated in paragraphs 144-145 on consumers and good business practice. More information was needed.

61. He welcomed the statistics provided in paragraphs 35-36 of the report on prosecutions and convictions, as well as the specific examples of prosecutions in paragraphs 37-42. Had there been a sentence in the Tibor Danihel case (paragraph 37)? What were the cases in which the 1990 law prohibiting racist organizations had been applied?

62. According to the report, the minorities most affected by racially motivated malfeasance were the Roma, but also Jews, Blacks, Chinese, Vietnamese and, more rarely, Slovaks, Czechs and foreign students in general. What were the problems faced by people in those categories, and what had been the major incidents involving them? He asked for more information on the Council for Nationalities and its recent recommendations to the Government.

63. The report contained information on various measures taken on behalf of the Roma, but according to the European Roma Rights Center, serious discrimination against them persisted. The Center's report cited

ill-treatment by police, refusal to allow them access to restaurants, pubs and similar establishments, discrimination in employment and education, and the frequent transfer of their children to special schools for the mentally handicapped. They had been subject to discrimination upon the break-up of the former Czechoslovakia, when Roma who had previously held Czechoslovak nationality had been refused Czech nationality; they currently risked being expelled from the country if they committed a crime. There was also apparently discrimination in the judicial domain: complaints by Roma did not give rise to the same police investigations as for other citizens, they were subject to longer periods of pre-trial detention and they were given more severe sentences.

64. In many countries, de facto discrimination against minorities and immigrants was often unconscious on the part of the police and judges; racist attitudes appeared to be commonplace in the behaviour of the police and judicial authorities. Could he have more information? Did, or could, the Government envisage making the declaration under article 14 of the Convention in the near future?

65. Mr. LECHUGA HEVIA said that the delegation had mentioned growing racism against the Roma, who were said to be insufficiently prepared to enter the new Czech society. However, other groups were also subject to discrimination, and that discrimination could be attributed not to the advent of a market economy but to other reasons. Certainly there was an increase in the activities of racist groups, in racist sentiment among the public, and in the number of public figures making racist statements; the phenomenon was quite widespread.

66. There had been some changes in the legislation, and new instructions were being issued to public prosecutors, but such measures were not enough. Judicial proceedings were supposed to be expedited, but that was not happening - certainly not in relation to the seriousness of the cases that had occurred. Investigations into acts of aggression against the Roma were slow. What punishments were being applied in those cases? Four years after the death of Tibor Danihel, the case had still not been solved, nor had that of Tibor Berki, who had been beaten to death in the presence of his family in 1995.

67. There were no laws providing more extensive protection in the areas of housing and employment. Compliance with article 4 of the Convention was not very clear.

68. Mr. Diaconu took the Chair.

69. Mr. van BOVEN said that in the process of becoming a more open society, the Czech Republic had made itself more vulnerable. A matter of concern was the situation of the Roma, who had suffered considerably during the Second World War and still had problems. It was one thing to acknowledge and be aware of the problem; the second step was to make an inventory of all the issues and take action in the light of international human rights standards, including those laid down in the Convention. The Committee would continue to monitor its implementation closely.

70. There were many disturbing references to the situation of the Roma in the press. The European Commission against Racism and Intolerance of the Council of Europe had identified key areas of concern as including the activities of racist groups, especially skinheads; increasing racist incidents directed against Roma in particular, as well as Jews; increased votes for the extreme right, notably the Czech Republican Party; and marked public hostility or mistrust towards minority groups, particularly Roma.

71. The State Party had ratified the Framework Convention for the Protection of National Minorities on 18 December 1997. Countries sometimes made statements upon ratification, mentioning particular groups. What was the status of the Roma in the Czech Republic in the light of that Convention?

72. Another issue, under article 2 of the Convention, was the absence of specific, comprehensive legislation against discrimination based on race and ethnic or national origin. The constitutional provisions in that regard were very general; more specific legislation was needed, especially with regard to housing and employment. Without the legal tools to combat discrimination, the Convention tended to be a dead letter.

73. He was surprised that punitive sanctions for apartheid and other inhuman acts related to racial discrimination were provided for only in time of war. The Government of the Czech Republic should take note of the Committee's General Recommendation XIX (47) which stated that the formal disappearance of apartheid in South Africa did not affect the relevance of article 3 of the Convention in that it continued to apply to all forms of racial segregation.

74. The information on cases of serious racially motivated crimes was welcome. Proceedings relating to the case of Tibor Danihel, whose death in 1993 was prompted by the actions of skinheads, were still pending in 1997. That raised the question of the extent to which the police, prosecuting agencies and the judiciary were expeditious, alert and vigilant in dealing with cases of that sort.

75. Examples of the prohibition of associations and organizations covered by article 4 (b) of the Convention were needed.

76. It seemed that many Roma children were placed in schools for children with learning difficulties. In some cases they then stayed there for the duration of, or much of, their academic life. The Government needed to take measures to help those children overcome their difficulties so that they could attend regular schools.

77. The application of legislation on access to citizenship was having the effect of depriving Roma people of citizenship and thus access to a range of rights and benefits that were enjoyed only by citizens of the Czech Republic. What measures were being taken or envisaged to remedy that situation?

78. With regard to the right to equal access to services intended for use by the general public, paragraph 144 spoke only of consumer protection, which was a different issue. He wondered, therefore, how far article 5 (f) of the Convention was being implemented and if there were examples of court cases and legal remedies in respect of that article.

79. The Convention could not be directly invoked in the courts as it was not self-executing in legal terms. However, since the delegation had stated that, in the event of any conflict or inconsistency between national legislation and the provisions of the Convention, the Convention would prevail, it was of the utmost importance that judges, lawyers and the like be fully conversant with the Convention. To what extent were the provisions of the Convention and the report to the Committee disseminated among interested parties and how far would the Committee's concluding observations be made known so that they could be used for follow-up action?

80. Information was needed on implementation of article 6 of the Convention, giving details of cases of reparation or satisfaction. It would be of particular interest to the Committee to know what measures had been taken to provide reparation to and rehabilitation for the many Roma women who had been victims of the practice of sterilization in the past.

81. There were reports that the Government of the Czech Republic was considering recognizing the competence of the Committee to handle individual complaints, as provided for under article 14 of the Convention. Information should be provided in that regard and as to whether the Government had considered accepting the amendments to article 8, paragraph 6, of the Convention.

82. Mr. NOBEL said that paragraph 15 of the report estimated that people of Roma nationality accounted for approximately 0.3 per cent of the population whereas paragraph 17 stated that the ethnic Roma population by far exceeded the official figure because many Roma had chosen to hide their ethnic origin. That was probably due to the fact that when members of an ethnic group succeeded in integrating into society, they sometimes hid their origins for fear of endangering the status and benefits they had acquired and out of suspicion of persons in authority, such as census officials. Where they had not integrated, they might also be afraid of exposing themselves to further discriminatory measures.

83. The delegation had said that some of the problems of the Roma minority were due to the difficulties they faced in terms of complying with the norms and ways of the majority population. However, it was important to consider whether the difficulties were not of the making of the majority of society rather than the reverse, and to work with minority groups and listen to what they had to say regarding the situation.

84. He could not see how the provisions of section 198 paragraph 1 (a) or (b) of the Criminal Code could protect national or ethnic minorities or fully complied with the terms of the Convention. They should, therefore, be reviewed by the Government.

85. The report referred to skinheads and the fact that typical racial attackers were skinheads or members of a skinhead movement. It was a highly visible movement in Europe with a specific dress code, its own music, slogans and so forth that crossed national boundaries. However, skinheads were basically street fighters. They tended not to produce the racist pamphlets,

tracts and other material themselves, an activity that was left to organizations and associations. Information was needed on the existence of such organized bodies in the Czech Republic.

86. He was concerned at the report of the European Roma Rights Center concerning anti-Roma sentiments among high-ranking politicians. Examples given included the statement by Mr. Miroslav Sládek, the leader of the Republican Party, that the first crime of the Roma was birth and the article written by Senator Klausner in July 1996 in which he had recommended that landlords who had to deal with "large problem families" of the Roma minority should consider moving them out of Prague. Although the Prime Minister and the Minister of the Interior had condemned the article, no disciplinary measures had been taken against such a prominent public official.

87. Paragraphs 35 and 36 of the report showed that there were strikingly few convictions compared to the number of prosecutions for racially motivated crimes.

88. Mr. YUTZIS said the Government of the Czech Republic should do all it could to fill the gap in terms of specific legislation against racial discrimination.

89. He could not help but feel that shades of anti-Roma sentiment and prejudice could be seen in certain parts of the report, attitudes that were not necessarily shared by society as a whole but were those of the persons responsible for drafting the report. Paragraph 188 of the report stated that Roma civic associations tended to be "loose structures controlled by traditional clans and hampered by frequent conflicts among their leaders", which implied that they were disorganized and uncontrolled, an implication that was clearly pejorative. Even more pejorative was the statement in paragraph 135 (f) that although "open racism" was infrequent in elementary schools, findings had shown that Roma children tended to manifest xenophobia and intolerance toward other ethnic groups more frequently than their schoolmates. That promoted a stereotypical image of a Roma child as racist. What investigative methods had led to that conclusion and was it not true that the actions of Roma children could be be attributed to self-defence in the face of a hostile environment?

The meeting rose at 5.50 p.m.